**RECEIVED**

AUG 28 2001

PATENT

Customer No. 22,852
Attorney Docket No. 2556.0073-01

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sebastian SUERBAUM et al.

Serial No.: 09/015,078

Filed: January 29, 1998

For: CLONING AND
CHARACTERIZATION OF THE
flbA GENE OF *H. PYLORI*,
PRODUCTION OF
AFLAGELLATE STRAINSAssistant Commissioner for Patents
Washington, DC 20231

Group Art Unit: 1647

Examiner: S. TURNER

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AUG 27 2001

TECH CENTER 1600/2900

BEST AVAILABLE COPY

Sir:

TRANSMITTAL LETTER

Enclosed is a Preliminary Amendment. The item(s) checked below are appropriate:

- ☐ Applicant(s) hereby petition(s) for a _____ month(s) extension of time to respond to the above Office Action. The fee of \$ _____ for the Extension is enclosed.

The claims are calculated below:

	Claims Remaining After Amendment		Highest Number Previously Paid	Present Extra	Rate	Additional Fee
Total	26	-	32	0	x \$ 18	\$ 0.00
Indep.	4	-	3	1	x \$ 80	80.00
<input type="checkbox"/> First Presentation of Multiple Dep. Claim(s)					+\$270	0.00
Subtotal						\$ 80.00
Reduction by 1/2 if small entity						- 0.00
TOTAL						\$ 80.00

- ☒ A fee of \$80.00 to cover the cost of the additional claims added by this reply is enclosed.
- ☐ A fee of \$[Fee] to cover [Title of other paper(s)] is enclosed.
- ☒ A check for \$80.00 to cover the above fee is enclosed.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Dated: August 23, 2001

By:

Kenneth J. Meyers
Reg. No. 25,146

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000



CPA ~~Seaton~~ 1647
In re Application No. 09/015,078
Attorney Docket No. 2356.0073-01

PATENT
Customer No. 22,852
Attorney Docket No. 2356.0073-01

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STRAINS

)
)
) Group Art Unit: 1647
)
) Examiner: S. Turner

RECEIVED

AUG 29 2001

TECH CENTER 1600/2900

#19

Assistant Commissioner for Patents
Washington, DC 20231

Attention: **BOX MISSING PARTS**

Sir:

**RESPONSE TO NOTICE TO FILE
MISSING PARTS OF APPLICATION**

In response to the communication of August 2, 2001, Applicants submit the enclosed check for \$1,056.00 for payment of the basic filing fee of \$710.00, the required surcharge fee of \$130.00, additional claims fee of \$216.00 and a copy of the Notice of Missing Parts is also enclosed.

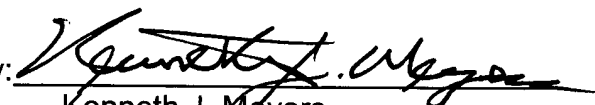
Please associate the enclosed fee with the application, grant any extensions of time required to enter this response, and charge any additional required fees to our deposit account 06-0916.

LAW OFFICES
FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

Respectfully submitted,

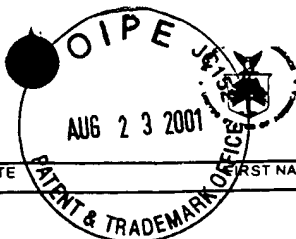
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 23, 2001

By: 
Kenneth J. Meyers
Reg. No. 25,146

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER FILING/RECEIPT DATE FIRST NAMED APPLICANT ATTY DOCKET NO/TITLE

09/015,078 01/29/98 SUERBAUM S 2356-0073-01

HM11/0802

FINNEGAN HENDERSON FARABOW
GARRETT AND DUNNER
1300 I STREET N W
WASHINGTON DC 20005-3315

TURNER, S

DATE MAILED: 1847

08/02/01

NOTICE TO FILE MISSING PARTS OF APPLICATION (CPA)
Filing Date Granted

The Continued Prosecution Application (CPA) request filed on 07/27/01 is entitled to a filing date under 37 CFR 1.53(d)(1). The CPA request, however, lacks the filing fee(s) and/or items indicated below.

Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file the fee(s), item(s), and any surcharge required below to avoid abandonment of this CPA. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The total amount owed by applicant is the sum of items 1(a) or (b), 2, and 3 (if checked) below.

- ☒ 1. The statutory basic filing fee is:
☒ missing.
☐ insufficient.

(a) Applicant must submit \$ 710⁰⁰ to complete the basic filing fee and the \$130.00 surcharge set forth in 37 CFR 1.16(e) (non-small entity), or \$ _____ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e) and file a small entity statement under 37 CFR 1.27 claiming such status (if the prior application was entitled to small entity status and such status is still proper and desired, a new small entity statement is not required (37 CFR 1.28)).

(b) Applicant must submit \$ _____ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e).

- ☒ 2. Additional claim fees of
\$ _____ (non-small entity) or \$ _____ (small entity) for _____ independent claims over 3.
\$ 216⁰⁰ (non-small entity) or \$ _____ (small entity) for 12 claims over 20.
\$ _____ (non-small entity) or \$ _____ (small entity) for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☐ 3. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
☐ 4. The CPA request is unsigned. Applicant must file a signed duplicate or ratification of the CPA request.
☐ 5. Other: _____

A copy of this Notice MUST be returned with the reply.

Direct the reply and any questions about this Notice to:

Michael A. Brown

Examining Group 1600

(703) 30 8-1132

08/24/2001 SDENB0B1 00000041 09015078

01 FC:131
02 FC:103
03 FC:105

710.00 OP
216.00 OP
130.00 OP